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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CALGON CARBON CORPORATION,

Plaintiff,

v.

WDF, INC., and  
SEABOARD SURETY COMPANY,

Defendants.

Index No.: 08 CIV 4407

**NOTICE OF MOTION**

**ORAL ARGUMENT REQUESTED**

**PLEASE TAKE NOTICE** that, upon the Memorandum of Law in Support of Motion to Dismiss WDF, Inc.'s Counterclaims with Prejudice Pursuant to Fed. R. Civ. P. 12(b)(6) and the Affidavit of Megan E. Smith Miller in Support of Motion to Dismiss with accompanying exhibits, Plaintiff Calgon Carbon Corporation moves this Court, before the Honorable Colleen McMahon, District Court Judge, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of

Civil Procedure dismissing with prejudice Defendant WDF, Inc.'s counterclaims for alleged fraud and lost interest, and for such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Rule 6.1(b), answering papers, if any, must be served within ten business days after service of the moving papers and any reply papers shall be served within five business days after service of the answering papers.

Dated: Pittsburgh, PA  
July 31, 2008

Respectfully submitted,

/s/ Megan E. Smith Miller  
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